

PHILLIP GILLET, JR.
ATTORNEY AT LAW

1705 27TH STREET
BAKERSFIELD, CALIFORNIA 93301-2807
(661) 323-3200 • FACSIMILE (661) 323-3078
Phillip W. Gillet, Jr., State Bar No. 214914
lawyer@bak.rr.com
Attorney for debtor¹

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

In re:
JOSE DAVID SANCHEZ

Address: 20370 VALLEY BLVD.
TEHACHAPI, CA 93561

Social Security No(s)/TID No(s).
xxx-xx-3226

Debtor.

Case No.: 13-14296-A-13K
Chapter 13
Docket Control No.: PWG-1

DATE: September 25, 2013
TIME: 9:00 a.m.
PLACE: 1300 18th Street, Suite A
Bakersfield, CA 93301
JUDGE: Hon. Fredrick E. Clement

DEBTOR'S NOTICE OF MOTION TO VALUE COLLATERAL OF FORD MOTOR CREDIT COMPANY, LLC AND TREAT THE CREDITOR'S CLAIM AS WHOLLY UNSECURED UNDER 11 U.S.C §§ 506(a),(d) and 1325(a)(5)(B).

TO FORD MOTOR CREDIT COMPANY, LLC, ITS SUCCESSORS, ASSIGNS AND
ATTORNEY(S) OF RECORD:

You are hereby notified that a proposed chapter 13 plan has been filed, which includes motions seeking to value collateral under 11 U.S.C. sections 506(a) and (d), 1325(a)(5)(B), Local Bankruptcy Rule 3015-1(j) and Fed. R. Bankr. P. 3012. The plan bifurcates the secured claims in class 2 under the chapter 13 plan and treats the portion that has no value to secure it as allowed general unsecured claims. Collateral may be valued by motion practice. *Laskin v. First Nat'l Bank (In re Laskin)*, 222 B.R. 876 (B.A.P. 9th Cir. 1998). Debtors are competent to testify about the value of their property. Fed. R. Evid. § 701; *Armour Vending Co. v. Kim (In re Kim)*, 205 B.R. 238 (B.A.P. 9th Cir. (Cal.) 1997). The debtor has done this through the schedules, statements and chapter

¹ The term "debtor" includes both the singular and plural. See 11 U.S.C. § 107(2).

13 plan. A copy of the chapter 13 plan is included in the exhibits supporting this motion and incorporated by reference into this notice.

A hearing concerning this motion will be held at the date, time and place listed above. If you wish to oppose the motion, it is incumbent on you to appear and be heard in the United States Bankruptcy Court, Eastern District of California, Fresno Division's Bakersfield courtroom located at 1300 18th Street, Bakersfield, California. Although written opposition is optional, all pleadings and documents must be filed in the Fresno Division, 2500 Tulare Street, Suite 2501, Fresno, California 93721-1318.

This motion is being set on less than 28 days' notice under the alternative notice requirements of Local Bankruptcy Rule 9014-1(f)(2). Therefore, "no party in interest shall be required to file written opposition to the motion. Opposition, if any, shall be presented at the hearing on the motion. If opposition is presented, or if there is other good cause, the Court may continue the hearing to permit the filing of evidence and briefs." Although written opposition is optional, all pleading and documents must be filed at the Fresno Division, 2500 Tulare Street, Suite 2501, Fresno, California 93721-1318. In addition to any other parties required by law, any written opposition shall be served on the debtor(s), their attorney, and the standing Chapter 13 Trustee.

Any written opposition shall specify whether the responding party consents to the Court's resolution of disputed material factual issues pursuant to Fed. R. Civ. P. 43(e) as made applicable by Fed. R. Bank. P. 9017. If the responding party does not so consent, the opposition shall include a separate statement identifying each disputed material factual issue. The separate statement shall enumerate discretely each of the disputed material factual issues and cite the particular portions of the record demonstrating that a factual issue is both material and in dispute. Failure to file the separate statement shall be construed as consent to resolution of the motion and all disputed material factual issues pursuant to Fed. R. Civ. P. 43(e).

Respectfully submitted,

By: 

Phillip W. Gillet, Jr.
Attorney for debtor

DATED: September 10, 2013

1705 27th STREET • BAKERSFIELD, CA 93301-2807 • (661) 323-3200 • FACSIMILE (661) 323-3078 • www.bakersfieldlaw.org

PHILLIP GILLET, JR.
ATTORNEY AT LAW